

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

PATRICK KEITH STEARNS

Plaintiff,

v.

STATE OF WASHINGTON, *et al.*,

Defendants.

Case No. C10-5187BHS/JRC

REPORT AND RECOMMENDATION

NOTED FOR:

June 18 2010

This Civil Rights Action filed pursuant to 42 U.S.C. § 1983 has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrates' Rules MJR 1, MJR 3, and MJR 4. Plaintiff has failed to file service copies and the Court recommends this action be dismissed.

On March 18, 2010, the clerk's office sent plaintiff a letter outlining the deficiencies in his filings. Plaintiff did not provide service copies of his complaint (Dkt. # 2). That letter gave plaintiff until April 19, 2010, to provide service copies. Further, the letter informed plaintiff that if he did not provide the service copies his action was subject to dismissal (Dkt. # 2). While the


REPORT AND RECOMMENDATION- 1

1 complaint is only 8 pages long, there are twenty named defendants (Dkt. # 1, proposed
2 complaint).

3 On April 15, 2010, plaintiff sent a letter indicating he would hand write copies of the
4 complaint (Dkt. # 7). As of May 21, 2010 nothing has been filed. The court now recommends
5 this action be dismissed for failure to comply with the clerk's office letter and failure to
6 prosecute. The court considers this letter to have the same effect as a court order. The authority
7 for dismissal is found in Fed.R.Civ.P. 41 (b).
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9 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil
10 Procedure, the parties shall have fourteen (14) days from service of this Report to file written
11 objections. See also Fed.R.Civ.P. 6. Failure to file objections will result in a waiver of those
12 objections for purposes of appeal. Thomas v. Arn, 474 U.S. 140 (1985). Accommodating the
13 time limit imposed by Rule 72(b), the clerk is directed to set the matter for consideration on June
14 18, 2010, as noted in the caption.
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16 Dated this 24th day of May, 2010.

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19 J. Richard Creatura
20 United States Magistrate Judge
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